

Message

From: Jamieson, Cheryl [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=417082716F1E4DCF8DE9FE46FBD4F5A6-CJAMIESO]
Sent: 6/13/2018 12:17:09 PM
To: Jamieson, Cheryl [Jamieson.Cheryl@epa.gov]
Subject: FW: PCB TSCA Rules
Attachments: PRIN_WP-_31166-v2-Cleanup_Plan__Former_New_Jersey_Zinc_Company__West_Plant_(Palmerton__PA).DOCX with highlights.DOCX

From: Bunker, Kelly
Sent: Wednesday, June 06, 2018 11:12 AM
To: Pratt, Stacie <Pratt.Stacie@epa.gov>; Jamieson, Cheryl <Jamieson.Cheryl@epa.gov>; Rice, Scott <Rice.Scott@epa.gov>
Subject: Re: PCB TSCA Rules

My quick review of the attached Phase III Act 2 cleanup plan approval shows that PADEP has approved under the issuance of the Beneficial Use Permit and this cleanup approval for the use of materials covered under the Beneficial Use Permit as soil cover at the Phase III site.

PADEP had been saying the Beneficial Use materials would be covered with a cap, this seems to say that these beneficial use materials are being used for soil cover at the site. I have highlighted in yellow on pages 21, 22 and 28 in the attached cleanup plan the provisions of concern.

Kelly L. Bunker

Environmental Scientist

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bunker.kelly@epa.gov

From: Rich Parrish <rich@impactenvironmental.com>

Sent: Tuesday, June 5, 2018 4:29 PM

To: Bunker, Kelly

Subject: RE: PCB TSCA Rules

Oh my goodness, I had no idea that this was out when I called you. I was so zoned I stopped answering emails at 11:00 AM. Sorry. I am recrafting my email and will put it out tomorrow. In any event, here are the documents we discussed. Let me know if there are any attachments that you need to see on the Cleanup Plan.

From: Rice, Scott <Rice.Scott@epa.gov>

Sent: Tuesday, June 5, 2018 1:21 PM

To: Rich Parrish <rich@impactenvironmental.com>

Cc: Pratt, Stacie <Pratt.Stacie@epa.gov>; Bunker, Kelly <Bunker.Kelly@epa.gov>; daw, harry <daw.harry@epa.gov>

Subject: Re: PCB TSCA Rules

Dear Mr. Parrish,

Thank you for your response to the Notice of Non-compliance and Information Request Letter that you recently received from EPA. EPA will be reviewing the response in the coming weeks to determine additional future actions. To clarify the regulatory standards that were referenced in the NONs and IRLs, EPA offers this response.

The Toxic Substances and Control Act, 15 U.S.C. Section 2605(e), and EPA implementing regulations at 40 C.F.R. Part 761 impose limitations on and requirements for the use of PCB-containing materials. Section 761.20(a) of the PCB regulations prohibit the use of PCB-containing materials, regardless of any concentration, other than in a totally enclosed manner, without an exemption. Any concentration is defined in the PCB Regulations under Section 761.3 as the "Quantifiable Level/Level of Detection", which means 2 micrograms per gram from any resolvable gas chromatograph peak, i.e. 2 ppm.

The Pennsylvania Beneficial Use Permit and the Clean Fill Policy address the use of PCB-containing material, not the disposal of such material. As advised in EPA's Notice of Noncompliance, the use of PCB-containing material is restricted to less than 2 ppm.

I will be evaluating your response in the near future and will contact you if I need additional information. If you have any questions, please email or call me at 304 231 0501.

From: Rich Parrish <rich@impactenvironmental.com>

Sent: Tuesday, May 15, 2018 10:37:10 AM

To: Rice, Scott

Cc: McGurk, Tracey

Subject: PCB TSCA Rules

I left you a message this afternoon with respect to a beneficial use project that I am working to remediate in Palmerton, PA. The site is using Regulated Fill that is being placed by Phase III Environmental, LLC. The owner of Phase III has asked me to contact you to begin a dialogue to bridge the Agency's application of the TSCA rules with New York and New Jersey cleanup and remediation standards. It is my hope to get representatives together into a meeting or teleconference to confer on PCB-impacted waste and how we may consider management options.

Rich Parrish
CEO/President

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